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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/486,000	06/08/1995	J CARL COOPER	G:/7434CIP	6206

7590 12/24/2003

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EXAMINER

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ART UNIT	PAPER NUMBER
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2666

35

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

# Office Action Summary

Application No.

08/486,000

Applicant(s)

COOPER ET AL.

Examiner

DANG T TON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003 and 17 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-23, 25-31 and 33-129 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23, 29-31, 86-88 and 93-95 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 20, 25-28, 33-45, 48-53, 56-60, 62-85, 89-92, 96-108, 111-116, 119-123 and 125 is/are rejected.
- 7) ☒ Claim(s) 46, 47, 54, 55, 61, 93-95, 109, 110, 117, 118, 124 and 126-129 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Claims 62,84-85, and 92 are objected to 37 C.F.R 1.75 because of the following formalities:

In claim 62, line 2, " said " should be changed to --- a --  
--.

In claim 84, line 12, " said " should be changed to --- a -  
---.

In claim 92, line 9, " a user location " seems to refer back to " a user location " recited at line 4. If this is true, it is suggested to change " a user location " to --- the user location ---.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-10, 12-13, 19, 20, 25-28, 33-39, 43-45, 48-53, 56, 62, 67-73, 74-76, 78-79, 84, 85, 89-92, 96-102, 111-116, and 119 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (5,371,551).

For claim 1, Logan et al. disclose system for multiple television programs delivered in compressed form on one or more delivery channels( see box 4B in figure 1), the access system including at least one of the multiple programs being delivered without a user's specific request( see column 1 lines 46-52), at least one of the multiple programs including at displayable information that may be distinct from a listing of the programs allowing access, storage, and/or retrieval thereof(see box 30 in figure 2 and column 2 lines 3-10), the access system further including:

means for recording at least two of the multiple programs in a data random access capable storage medium at the user's location (see box 6 in figure 1), means for the user to select a particular program from the data storage medium at the user's location and means to decompress (see box 8 in figure 1) the particular television program for use by the user before or after storage, which use can include display of a particular program including at least some of the substantive displayable information(see column 2 lines 3-10).

For claim 2, Logan et al. disclose one storage medium for storing multiple programs delivered on a schedule over which the user has no control(see column 2 lines 47-52).

For claim 3, Logan et al. disclose the programs being stored in a compressed format(see column 2 line 55),

For claim 4, Logan et al. disclose addition of program information delivered to and stored at the user's location and means to access the program information ( see column 2 lines 56-57).

For claim 5, Logan et al. disclose the addition of data manager means to allow a user to access the program (see box 11 in figure 1).

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For claim 6 , Logan et al. disclose a system having multiple television programs delivered in a compressed form on one or more delivery media together with program identification data to a user at a given user location(see box 4B in figure 1), at least one of the multiple programs including at least some substantive displayable information that may be distinct from a listing of the program identification data(see box 30 in figure 2 and column 2 lines 3-10), the system including: means at the given user location to record program identification data for the multiple programs, means at the same given user location to access the recorded program identification data for the multiple programs, means at the same given user location to process the recorded program identification data to allow selective access to at least two of the multiple programs( see column 2 lines 53-57 and abstract lines 9-15), and means for the user to record in a random access capable storage and use the at least two of the multiple programs at the user location, which use of such programs can include display of the program including the at least some substantive displayable information (see box 6 in figure 1 , column 2 lines 3-10 and 53-57).

For claims 7,26, 73, and 90 , Logan et al. disclose that the multiple programs and program identification data are delivered contemporaneously and by the addition of means to delay the programs to allow processing of the program identification data(see abstract lines 9-15).

For claim 8, Logan et al. disclose the addition of data manager means to process the program identification data(see box 11 in figure 1).

For claim 9, Logan et al. disclose the addition of data manager means to allow the user to access the programs(see box 11 in figure 1).

For claim 10, Logan et al. disclose an improved system for delivering multiple television programs in a compressed form via one or more delivery channels (see box 4B in figure 1)from a site to a particular user's location without the particular user's control(see column 1 lines 46-52),at least one of the multiple programs including at least some substantive displayable information that may be distinct 5 from a listing of the programs allowing access, storage, and/or retrieval thereof (see box 30 in figure 2 and column 2 lines 3-10)the improvement

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including:

the addition of means to store at least two of the multiple programs in compressed form in a random access capable storage at the particular user's location(see box 6 in figure 1) and means at the particular user's location to selectively access and decompress the programs (see box 8 in figure 1) at that location respectively, the access including displaying the programs, which displaying can include the program including the at least some substantive displayable information(see column 2 lines 3-10,53-57 ).

For claim 12, Logan et al. disclose means to store the programs includes computer memory(see box 6 in figure 1).

For claim 13, Logan et al. disclosed the programs being compressed in MPEG and means to selectively decompress the MPEG signals (see column 4 line 62).

For claim 19, Logan et al. disclose a multiple program access system having a program television material storage capability for programs, the multiple programs subject to an access, storage, and/or retrieval date, the improvement including: means to store at least two of the multiple programs in the program material storage area at a user location, the storage area having a random access capability(see box 6 in figure 1), means to automatically allow access for storage of programs in previously utilized program material storage area upon occurrence of a certain event other than the accessing one of the stored multiple programs (see column 2 lines 47-52)in such program material storage area, with at least one of the multiple programs including at least some of the substantive displayable information(see column 2 lines 3-10).

For claim 20, Logan et al. disclose the certain event being the arrival of a certain time subsequent to the time of a particular program's storage(see column 2 lines 3-10 and 51-52).

For claim 25, Logan et al. disclose an access system for multiple television programs delivered in compressed form across one or more delivery channels(see box 4B in figure 1), the multiple programs include at least one program delivered without a given user's request (see column 1 lines 46-

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52)therefor and a listing which may be separate of the programs allowing access, storage, and./or retrieval thereof, a program data stream, the program data stream including at least some substantive displayable information(see box 30 in figure 2 and column 2 lines 3-10), the access system including: means at the given user's location to select a particular program from the program data stream without off location contact using the listing, means to record the selected program with another program in a random access capable multiple program data storage media at the given user's location(see column 3 lines 15-20), and means to selectively decompress the selected program for display, the display which include display of the program including the at least some substantive displayable information(see box 8 in figure 1 and column 2 lines 3-10).

for claims 27 and 91, Logan et al disclose the addition of processing the program identification data by a data manager means(see box 11 in figure 1).

For claim 28, Logan et al. disclose an access system having a storage area for Multiple television programs having substantive displayable information(see box 30 in figure 2), the programs subject to access, storage, and/or retrieval by a listing, the improvement including: means at a user location to record at least part of at least two multiple programs having substantive displayable information in a program material random access capable storage area (see box 30 in figure 2, box 6 in figure 1 and column 2 lines 3-10), means at the user location to access at least part of a given program having substantive displayable information from the program material storage area so as to select reproduction thereof and means at the user location to record programs having substantive displayable information at the same time as the reproduction which recording can include the remainder of the given program and/or another program in the storage area(see box 6 in figure 1 and column 2 lines 3-10).

For claim 33 , Logan et al. disclose an access system having multiple channels of substantive displayable information and access information for delivery of multiple television programs to a remote location(see box 30 in figure 2), the improvement including: a data manager(see box 11 in figure 1), the data manager being located at the remote location. the data manager having a memory for storing the access information

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relative to the delivered information including information relative to at least one delivered upcoming program, and means for the data manager to selectively control access to the substantive displayable information on the multiple channels for presentation of the programs which can include the display of the at least one delivered upcoming program and the recording of at least two of the multiple programs in a random access capable program material storage at the remote location(see box 6 in figure 1, box 11 in figure 1 and column 2 lines 3-10 and 53-57).

For claim 34, Logan et al. disclose the addition of a data storage for the channels of information(see box 7 in figure 1).

For claim 35, Logan et al. disclose the addition of program information relative to the multiple channels of information and means for the data manager to utilize such program information(see box 11 in figure 1).

For claim 36, Logan et al. disclose the addition of other service and means for the data manager to access the other services(see box 11 in figure 1).

For claim 37 , Logan et al. disclose a particular user to access multiple television programs delivered in compressed form via one or more delivery channels(see box 4B in figure 1), at least one of the multiple programs including at least some substantive displayable information, the access system including program information delivered separate from the substantive displayable information to the particular user at the given location(see box 30 in figure 2 and column 2 lines 3-10), means for recording at least two of the multiple programs in a compressed format in a random access capable program data storage medium at the given location, means at the given location for the particular user to access the program information and to select a particular program for presentation at the given location, and means to decompress the particular program for display which can include the display of the at least some substantive displayable information(see boxes 6,8 in figure 1 and column 2 lines 3-10 and 53-57).

For claim 38, Logan et al. disclose data manager means to allow the user to access the program(see box 11 in figure 1).

For claim 39, Logan et al. disclose a system having



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multiple television programs transmitted in a compressed form via a transmission media with program identification data transmitted to a particular user at a given location (see box 4B in figure 1), at least one of the programs including at least some substantive displayable information that may be other than the program identification data (see box 30 in figure 2), the system including means at the given location for the particular user to directly access the program identification data, means to delay the programs to allow processing of the program identification data (see abstract lines 9-15), means to process the program identification data at the given location, and data manager means at the given location to process the program identification data and to allow the particular user to selectively access the programs at the given location, which access can include the display of the at least some substantive displayable information and the recording of at least two of the multiple programs in a program material storage area at the given location (see box 6 in figure 1 and column 2 lines 3-10 and 53-57).

For claim 43, Logan et al. disclose an improved, access system for multiple substantive displayable television programs delivered via one or more delivery channels to a user location, a listing of the programs allowing the access, storage, and/or retrieval thereof' also delivered (see box 30 in figure 2 and column 2 lines 3-10), the access system including: a random access capable program data storage at the user location, the program data storage recording at least two selected ones of the multiple delivered programs, a user control, the user control selectively retrieving the selected ones of the multiple delivered programs from the program data storage using the listing, and the program data storage simultaneously recording other selected portions of the multiple delivered programs as the selected portion of a substantive displayable program is being selectively retrieved by the user control (see box 6 in figure 1 and abstract lines 9-15).

For claim 44, Logan et al. disclose the selected portion and at least one of the other selected portions are from the same program (see column 2 lines 9-10).

For claim 45, Logan et al. disclose the selected portion and at least one of the other selected portions are from different programs (see column 2 lines 33-34).

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For claim 48, Logan et al. disclose an improved access system for multiple television programs transmitted via one or more transmission channels, and a listing of the programs allowing the access, storage, and/or retrieval thereof, the access system including: a data manager(see box 11 in figure 1), the data manager being located at a particular user's given location, a data stream, the data stream passing via a delivery channel for recording in the data manager, a user control(see box 14 in figure 1), the user control allowing access to the data in the data manager using the listing of programs, a random access capable program data storage at the particular user's given location, the program data storage recording at least two of the multiple programs transmitted on the transmission channel without any active selection by the user(see column 1 lines 46-52), at least one of the programs including at least some substantive displayable information, and means for the user at the given location to use data in the data manager to retrieve selected portions of the programs in the multiple program data storage via the listing thereof, which retrieval can include the display of the at least some substantive displayable information ( see box 30 in figure 2 and column 2 lines 3-10 and 53-57).

For claim 49, Logan et al. disclose the data stream includes information of upcoming substantive programs(see column 3 lines 16-17).

For claim 50, Logan et al. disclose the user control can be selectively programmed to automatically record programs in the program data storage based on the data in the data manager(see column 2 lines 47-52).

For claim 51, Logan et al. disclose that substantially all of the programs transmitted on a transmission channel at transmitted without any user's control(see column 2 lines 46-52).

for claim 52, Logan et al. disclose that the programs are substantially continually transmitted(see column 2 lines 47-52).

For claim 53, Logan et al. disclose that the program data storage can record programs and the user can retrieve program from program data storage at the same time(see abstract lines 9-15).

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For claim 56, Logan et al. disclose an improved access system for multiple television programs transmitted on one or more transmission channels, the access system including: a data manager(see box 11 in figure 1), the data manager being located at a particular user's given location, a data stream, the data stream passing via a delivery channel for access at the direction of the data manager, a user control(see box 14 in figure 1), the user control allowing access to the data in the data manager, a random access capable program data storage at the particular user's given location, the program data storage recording at least two of the multiple programs transmitted on the transmission channel without any active selection of individual ones of the specific programs by the user(see box 6 in figure 1 and column 2 lines 3-10), at least one of the programs including at least some substantive displayable information other than listing data, and select means at the given location for the data manager to use the listing data in the data manager to automatically record selected portions of the transmitted multiple programs in the program data storage, which recording can include the at least some substantive displayable information (see box 30 in figure 2 and column 2 lines 3-10 and 53-57).

For claim 62, Logan et al. disclose the selection algorithm includes one or more of consideration of the desirability of the program to the user, the number of users for a program, the time of the program, the relation of the program to programs previously stored, the content of the program, the particular channel for the program and/or the availability of removable storage (see column 2 lines 3-10).

For claim 67, Logan et al. disclose a method for accessing multiple television programs delivered in compressed form on one or more delivery channels(see box 4B in figure 1), the method including delivering at least one of the multiple programs without a user's specific request(see column 1 lines 46-52), at least one of the multiple programs including at least some substantive displayable information that may be distinct from a listing of the programs allowing access, storage, and/or retrieval thereof(see box 30 in figure 2), the method further including: recording at least two of the multiple programs in a random access capable data storage medium at the user's location, selecting a particular program from the multiple programs in the data storage medium at the user's location and

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decompressing the particular program for use by the user before or after storage, which use can include displaying of a particular program including at Least some of the substantive displayable information(see boxes 6,8 and column 2 lines 3-10 and 53-57).

For claim 68, Logan et al. disclose storing multiple programs delivered on a schedule over which the user has no control in one storage medium(see column 2 lines 47-52).

For claim 69, Logan et al. disclose storing the program I s in a compressed format(see box 4B in figure 1).

For claim 70, Logan et al. disclose characterized by the addition of delivering and storing program information at the user's location and accessing the program information(see box 7 in figure 1).

For claim 71, Logan et al. disclose the addition of using a data manager means to access the program(see box 11 in figure 1).

For claim 72, Logan et al. disclose a method for accessing multiple television programs delivered in a compressed form on one or more delivery media together with program identification data to a user at a given user location(see box 4B in figure 1), at least one of the multiple programs including at least some substantive displayable information that may be distinct from a listing of the program identification data(see box 30 in figure 2 and column 2 lines 3-10), the method including: recording at the given user location program identification data for the multiple programs, accessing at the same given user location the recorded program identification data for the multiple programs, processing at the same given user location the recorded program identification data to selectively access to at least two of the multiple programs, and using the at least two of the multiple programs(see column 2 lines 53-57 , abstract lines 9-15 and column 2 lines 3-10) which use of such programs can include display of the program including the at least some substantive displayable information and recording of at least two of the multiple programs in a random access capable program data storage at the given user location(see box 6 in figure 1 and column 2 lines 3-10).

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For claim 74, Logan et al. disclose the addition of processing the program identification data by a data manager means(see box 11 in figure 1).

For claim 75, Logan et al. disclose the addition of accessing the programs by a data manager means(see box 1 in figure 1).

For claim 76, Logan et al. disclose an improved method for delivering multiple television programs in a compressed form via one or more delivery channels (see box 4B in figure 1) from a site to a particular user's location without the particular user's control(see column 1 lines 46-52), at least one of the multiple programs including at least some substantive displayable information that may be distinct from a listing of the programs allowing access, storage, and/or retrieval thereof(see box 30 in figure 2 and column 2 lines 3-10), the improved method including: the storing at least two of the multiple programs in compressed form in a random access capable program data storage at the particular user's location and selectively accessing and decompressing a program at that particular user's location respectively, decompressing a program at that particular user's location respectively, the accessing including displaying the programs, which displaying can include the program including the at least some substantive displayable information(see boxes 6 and 8 in figure 1 and column 2 lines 3-10).

For claim 78, Logan et al. disclose that the storing the programs includes computer memory(see box 6 in figure 1).

For claim 79, Logan et al. disclose compressing the programs in MPEG and selectively decompressing the MPEG signals(see column 4 line 62).

for claim 84, Logan et al. disclose a multiple television program access method having a storage capability for programs, the multiple programs subject to an access, storage, and/or retrieval date, the improvement including: storing at least two of the multiple programs in the random access capable storage area at a given user location(see box 6 in figure 1), and automatically allowing access for storage of programs in previously utilized storage area upon occurrence of a certain event other than the accessing one of the stored

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multiple programs in such storage area, with at least one of the multiple programs including at least some of the substantiate displayable information(see abstract lines 9-15, column 2 lines 47-52 and column 2 lines 3-10).

for claim 85, Logan et al. disclose that the certain event is the arrival of a certain time subsequent to the time of a particular program's storage(see column 2 lines 3-10 and 51-52).

for claim 89, Logan et al. disclose an access method for multiple television programs delivered in compressed form across one or more delivery channels(see box 4B in figure 1), the multiple programs include at least one program delivered without a given user's request therefor(see column 1 lines 46-52) and a listing which may be separate of the programs allowing access, storage, and/or retrieval thereof, a program data stream, the program data stream including at least some substantive displayable information(see box 30 in figure 2 and column 2 lines 3-10), the access method including:  
selecting at the given user's location a particular program from the program data stream without off location contact using the listing, recording the selected program in a random access capable multiple program data storage media with another program at the given user's location, and selectively decompressing the selected program for displaying, the displaying which can include display of the program including the at least some substantive displayable information(see boxes 6 and 8 in figure 1 and column 2 lines 3-10 and 53-57).

For claim 92, Logan et al. disclose an access method having a storage area for multiple television programs having substantive displayable information (see box 30 in figure 2) , the programs a subject to access, storage, and/or retrieval at a user location by a listing(see column 2 lines 3-10), the improvement including: recording at least part of two multiple programs having substantive displayable information in the random access capable multiple program storage area at a user location, accessing at least part: of a given program having substantive displayable information from the multiple program storage area so as to select reproduction thereof and recording programs having substantive displayable information at the same time as the reproduction which recording can include the remainder of the given program and/or another program in the storage area(see box 6 in figure 1 , box 30 in figure 2 and

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column 2 lines 3-10 and 53-57).

For claim 96, Logan et al. disclose an access method having multiple channels of substantive displayable information and access information for delivery of multiple television programs to a remote location(see box 30 in figure 2), the method including: a data manager, storing the access information relative to the delivered information including information relative to at least one delivered upcoming program in the memory of a data manager (see box 11 in figure 1) located at the remote location, and selectively controlling access to the substantive displayable information on the multiple channels for presentation of the programs which can include the display of the at least one delivered upcoming program at the remote location using the data manager and the recording of at least two of the multiple programs in a random access capable program data storage at the remote location(see box 6 in figure 1 and column 2 lines 3-10 and 46-57).

for claim 97, Logan et al. disclose the addition of storing the channels of information (see box 7 in figure 1).

For claim 98, Logan et al. disclose by the addition of program information relative to the multiple channels of information and utilizing such program information in the data manager(see box 11 in figure 1).

For claim 99, Logan et al. disclose the addition of other services and accessing the other services by the data manager(see box 11 in figure 1).

For claim 100 , Logan et al. disclose an improved access method for a particular user to access multiple television programs delivered in compressed form via one or more delivery channels(see box 4B in figure 1), at least one of the multiple programs including at least some substantive displayable information, the access method including delivery Program information separate from the substantive displayable information to the particular user at the given location(see box 30 in figure 2 and column 2 lines 3-10), recording at least two of the multiple programs in a compressed format in a random access capable data storage medium at the given location, accessing by the particular user at the given location the program information and selecting a particular program for presentation at the given location, and decompressing the

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particular program for display which can include the display of the at least some substantive displayable information(see boxes 6 and 8 in figure 1 and column 2 lines 3-10 and 46-57).

For claim 101, Logan et al. disclose the addition of' allowing the user to access the program through the data manager means(see box 11 in figure 1).

For claim 102, Logan et al. disclose a method having multiple programs transmitted in a compressed form via a transmission media with program identification data transmitted to a particular user at a given location(see box 4B in figure 1), at least one of the programs including at least some substantive displayable information that may be other than the method including the particular user directly accessing the program identification data at the given location(see box 30 in figure 2 and column 2 lines 3-10), delaying the programs to allow processing of the program identification data, processing the program identification data at the given location, and processing the program identification data and allowing the particular user to selectively access the programs at the given location by a data manager means at the given location, which access can include displaying the at least some substantive displayable information and the recording of at least two of the multiple programs in a random access capable program data storage at the given location(see box 6 in figure 1 and abstract lines 9-15 and column 2 lines 3-10 and 46-57).

For claim 111, Logan et al. disclose an improved access method for multiple television programs transmitted via one or more transmission channels, and a listing of the programs allowing the access, storage, and/or retrieval thereof(see box 30 in figure 2), the access method including: passing a data stream via a delivery channel for recording in a data manager located at a particular user's given location, accessing the data in the data manager using the listing of programs, recording at least of the multiple programs transmitted on the transmission channel without any active selection by the user in a random access capable multiple program data storage at the particular user's given location, at least one of the programs including at least some substantive displayable information(see column 2 lines 46-57 and box 6 in figure 1), and retrieving selected portions of the programs in the multiple program data storage at the given location via the



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listing thereof in the data manager, which retrieval can include the display of the at least some substantive displayable information(see column 2 lines 3-10 and 46-57).

for claim 112, Logan et al. disclose that the data stream includes information of upcoming substantive programs(see 3 lines 16-17).

For claim 113, Logan et al. disclose selectively programming the user control to automatically record programs in the program data storage based on the data in the data manager(see column 2 lines 47-52).

For claim 114, Logan et al. disclose transmitting substantially all of the programs transmitted on a transmission channel without any user's control(see column 2 lines 46-52).

For claim 115, Logan et al. disclose that the programs are substantially continually transmitted(see column 2 lines 47-52).

For claim 116, Logan et al. disclose that the program data storage can record programs and the user retrieving a program from the program data storage at the same time(see abstract lines 9-15).

For claim 119 , Logan et al. disclose an improved access method for multiple programs transmitted on one or more transmission channels, the access system including: passing a data stream via a delivery channel for access at the direction of a data manager (see box 11 in figure 1) located at a particular user's given location, allowing access to the data in the data manager by a user control, recording at least two of the multiple programs transmitted on the transmission channel in a random access capable multiple program data storage without any active selection of individual ones of the specific programs by the user at the given location, at least one of the multiple programs including at least some substantive displayable information other than listing data, automatically recording selected portions of the transmitted programs in the multiple program data storage at the given location using the listing data in the data manager, which recording can include the at least some substantive displayable information(see column 2 lines 47-52, box 6 in figure 1, box 30 in figure 2 and column 2 lines 3-10 and 46-57).

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17, 57-60, 63-66, 80-83, 120-123 and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan

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et al. in view of the background invention of Roop et al. (5,790,198).

For claims 14-17, 57-60, 63-66, 80-83, 120-123, and 125, Logan et al. disclose a method/apparatus described in paragraph 2 of this office action.

For claims 14-17, 57-60, 63-66, 80-83, 120-123, and 125, Logan et al. disclose all the subject matter of the claimed invention with the exception of using a known set of priorities and overwrite for the TV programs in a communications network. The background invention of Roop et al. from the same or similar fields of endeavor teaches subdividing the schedule information into prioritize categories, store the highest priority category, and as much of lower priority categories as possible in the amount of memory available (see column 1 lines 47-50) and the subscriber unit may overwrite more recent program schedule information acquired from a real time broadcast with older program (see column 1 lines 64-66). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the set of priorities and overwrite as taught by the background invention of Roop et al. in the communications network of Logan et al. The set of priorities and overwrite programs as taught by the background invention of Roop et al. can be implemented/ modified into the network of Logan et

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al. by storing a program including the known set of priorities of TV programs into the box 11 of figure 1 of Logan et al. and deleting programs from box 11. The motivation for using the set of priorities and overwrite programs as taught by the background invention of Roop et al. into the network of Logan et al. being that it saves capacities for the RAM and selects certain programs to store or delete to/from the RAM.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,40-42,77, and 103-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. in view of Cooley et al. (4,320,486).

For claims 11,40-42,77, and 103-108, Logan et al. disclose a method/apparatus described in paragraph 2 of this office action.

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For claims 11,40-42,77, and 103-108, Logan et al. disclose all the subject matter of the claimed invention with the exception of using an optical storage medium in a communications network. Cooley et al. from the same or similar fields of endeavor teaches the optical storage medium (see box 15 in figure 1 of Cooley et al). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the optical storage medium as taught by Cooley et al. in the communications network of Logan et al. The optical storage medium as taught by Cooley et al. can be implemented/ modified into the network of Logan et al. by using the optical storage into RAM box 6 in figure 1 of Logan et al. The motivation for using the optical storage medium as taught by Cooley et al. into the network of Logan et al. being that it provides more capacities and speed up the stored programs.

6. Claims 21-23,29-31,86-88, and 93-95 are allowed.

7. Claims 46,47,54,55,61,109,110,117,118,124, and 126-129 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

In the remarks 3/31/2003, applicant traverses the rejection under 35 U.S.C 102. the traversal is based on ground that references do not teach storing programs without a user specific request. This argument is not found to be persuasive. Applicant's attention is directed at column 1 lines 46-52 wherein it teaches " without attention from the user, the invention maintains a circular buffer which stores programming received during a preceding time interval of predetermined duration".

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

D. Ton



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